

FILED
IN CLERK'S OFFICE

UNITED STATES DISTRICT COURT

for the
District of Massachusetts

2020 APR 17 PM 2: 56

U.S. DISTRICT COURT
DISTRICT OF MASS.

Case No. _____

(to be filled in by the Clerk's Office)

Theresa Phillips

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Supercuts

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Theresa Phillips</u>
Street Address	<u>3620 Mystic Valley Pkwy #211</u>
City and County	<u>Medford / Middlesex</u>
State and Zip Code	<u>MA 02155</u>
Telephone Number	<u>781-588-2743</u>
E-mail Address	<u>theresaphillips8605@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Supercuts

Defendant No. 1

Name

Supercuts

Job or Title (if known)

Street Address

20 McGrath Highway

City and County

Somerville

State and Zip Code

MA 02143

Telephone Number

617-666-1640

E-mail Address (if known)

Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐

Federal question

☐

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Theresa Phillips, is a citizen of the
State of *(name)* MA

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____

b. If the defendant is a corporation

The defendant, (name) Supercuts, is incorporated under
 the laws of the State of (name) MA, and has its
 principal place of business in the State of (name) MA.
 Or is incorporated under the laws of (foreign nation) _____,
 and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$ 100,000.00

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

attached

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

attached

III Statement of Claim

1. On or around May 20th, 2019 I reached out to my company's HR department to make them aware of inappropriate behavior and misconduct. Verbal threats, sexual innuendos and pictures of the sexual nature of the salon manager Michael Lessard had been going on for approximately 3 months.
2. I was shown a picture of his private parts.
3. I was shown pictures of him and his boyfriend in sexual positions.
4. There were explosive outbursts towards clients.
5. He said he wanted to punch another stylist in the face.
6. He said he wanted to cut and other stylists' hours because "they were old".
7. I would get texts from him asking me to call him. One time keeping me on the phone for 45 minutes on my day off.
8. I submitted a complaint through ethicspoint.com. (copy attached)
9. After submitting the complaint. I was told by Barbara Opoka from HR that if anything else came up that I could and should call either her or Jessica Deprizio, the area supervisor for the salon, and express any concerns i.e. if the behavior continued.
10. Michael came to everyone and apologized for making us feel uncomfortable, however it did not stop. It pursued with some anger and arrogance.
11. After trying to speak with Jessica in the office she then called Michael in and told him exactly What I was saying. I told her I was promised confidentiality, but she said she wanted to put everything on the table.

12. With confidentiality disregarded I immediately started to lose hours.
13. On August 20th Barbara and Jessica came to the salon. They asked to speak with me. They told me there were two tickets that were charged the junior price and should have been charged full adult price. They also said I did a wax for a client and didn't charge him for the service.
14. After the meeting, I was told to pay better attention to pricing.
15. The same day, about an hour and half later, they called me to say they were going to part ways.
16. I went to the EEOC because it was obvious to me I was being retaliated against and then fired. and after an investigation I received a "right to sue" letter. (copy attached)

IV RELIEF:

I worked for Supercuts for 9 1/2 years period it was the only place I worked as a hairdresser after attending cosmetology school. There, I was unable to build my own clientele per my agreement to work for Supercuts. clients could request you to service them whenever they came in for service. From day one I honored, understood and respected that. I did not try to contact one single client I had during my 9 1/2 years after I was fired. I never gave a single client my contact info even though I had been asked several times by many clients.

This is a client base industry and my career has been affected immensely. Supercuts is the only salon that provides you a clientele 100% that I know of.

Since getting fired I've tried to apply to other salons. I have had difficulty due to salons requiring you to have your own book AKA clientele. Another option for someone new to a salon would be to start as an assistant for a two-year minimum. This is a position of washing hair, sweeping and cleaning. This type of position is common for someone coming out of cosmetology school and trying to learn the industry. I did inquire for such a position but was told that because I had been cutting hair for almost 10 years that I was overqualified and probably not someone who would hold that type of position long term. Being almost 50 years old and starting at the bottom it has been devastating to me. It has been extremely difficult to be passionate and enthusiastic. Because I needed to work, I ended up taking a position at an already established salon. I started with a four-day work week but have been demoted to a two-day work week do too lack of clientele.

Also, I had been contributing 10 percent of my income to my 401K while employed at Supercuts. Now I am not contributing to a 401K which scares me at this point in my life.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

04-17-2020

Signature of Plaintiff

Theresa Phillips

Printed Name of Plaintiff

Theresa Phillips

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address